

FAX RECEIVED

SHERIDAN ROSS NOV 06 2002

A Professional Corporation
ATTORNEYS AND COUNSELORS AT LAW

GROUP 1600

1560 BROADWAY
SUITE 1200
DENVER, COLORADO 80202-5141TELEPHONE (303) 863-9700
FACSIMILE (303) 863-0223
E-MAIL: srlaw@sheridanross.com

OFFICIAL

PATENTS
TRADEMARKS
COPYRIGHTSKERMITH F. ROSS
1910-1986OF COUNSEL
PHILIP H. SHERIDAN
GILBERT E. ALBERDING

"MI, AL, IN Bar Only"

TECHNICAL SPECIALISTS
DENNIS J. DUPRAY, Ph.D.
ANGELA K. DALLAS, Ph.D.DAVID F. ZINGER
MICHAEL L. TOMPKINS
TODD P. BLAKELY
GARY J. CONNELL
SABRINA C. STAVISH
JOSEPH E. KOVARIK
SUSAN PRYOR WILLSON
LEWIS D. HANSEN
ROBERT R. BRUNELLI
DOUGLAS W. SWARTZ
BRUCE A. KUGLER
BRENT P. JOHNSON
DANA HARTIS CARDWELL
PAUL S. HANSRA
BENJAMIN B. LIEB
BRADLEY M. KNEPPER
MIRIAM DRICKMAN TRUDELL
SCOTT R. BIALSECKI
KENNETH C. WINTERTON
ROBERT D. TRAVER, Ph.D.
CHRISTOPHER J. HUSSIN
MARK L. YASKANIN
MOLLYBETH R. KOČIALSKIFACSIMILE COVER SHEET

TIME: _____

DATE: November 5, 2002

Please deliver the following page(s) to:

Name: Examiner David Lukton

Facsimile Number: (703) 872-9306

Our File Number: 4147-10-PUS

Your Ref. No.: 09/646,599

Total Number of Pages, including this cover page: 3

Sender's Name: Robert D. Traver

Special Instructions:

CONFIRMATION COPY MAILED: _____

NO CONFIRMATION COPY: X

PLEASE CONFIRM RECEIPT

If you do not receive all the pages, please call Janice Messer at (303) 863-9700.

THIS FACSIMILE MESSAGE IS CONFIDENTIAL AND MAY CONTAIN ATTORNEY PRIVILEGED INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR COMPANY NAMED ABOVE. If the reader is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone, so that we may arrange for the return of the original message to us. Thank y u.

OFFICIAL

FAX RECEIVED

NOV 06 2002

GROUP 1600

PATENT

12/8/02
11-20-02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

GODDARD et al.

Serial No.: 09/646,599

Filed: January 10, 2001

Atty. File No.: 4147-10-PUS

For: "COMPOSITIONS CONTAINING
LYSOPHOSPHOTIDIC ACIDS
WHICH INHIBIT APOPTOSIS AND
USES THEREOF"Assistant Commissioner for Patents
Washington, D.C. 20231

Group Art Unit: 1653

Examiner: Lukton, D.

Facsimile: (703) 872-9306

AMENDMENT AND RESPONSE

CERTIFICATE OF FACSIMILE TRANSMISSION

I HEREBY CERTIFY THAT THIS PAPER IS BEING FACSIMILE
TRANSMITTED TO THE PATENT AND TRADEMARK OFFICE
ON November 5, 2002.

SHERIDAN ROSS P.C.

BY: *Janice Messer*

Dear Sir:

This Response is filed in reply to the Office Action mailed 17 October 2002 (Paper No. 11). This response is filed within the one-month shortened statutory period. Applicants therefore believe that no fees are due with this response. In the event that any fees are due, please debit any underpayment to Deposit account No. 19-1970.

Please amend the above-identified patent application as follows:

Election/Restriction:

The Examiner has imposed a further restriction requirement under 35 U.S.C. § 121. Applicants previously elected the Examiner's Group 5, (Claim 5, drawn to compositions) and reaffirmed their election of compound 78 as a species for examination. Applicants respectfully requested that Claim 7 be joined with this chosen group as well. The Examiner now requires an election between invention 13 wherein "M" is a phosphorous atom and invention 14 wherein "M" is a sulfur atom.